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November 13, 2019

VIA ECF

The Honorable Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Chambers 304 North, Courtroom 324N
Brooklyn, New York 11201

**Re: Ellen McCormick v. Phinizy & Phebe Handmade LLC, et al.
Case No. 18-cv-00916 (ENV)(SJB)**

Dear Judge Bulsara,

We represent the Plaintiff Ellen McCormick ("Plaintiff") in the above-referenced matter. We write in response to the Court's October 30, 2019 Order directing Plaintiff to provide a status report relating to the service upon Defendant Jess Eddy ("Defendant Eddy") and the prior Motion for Default Judgment (the "Motion").

Pursuant to the Court's directive, on or about June 28, 2019, Plaintiff submitted a status report (ECF Entry No. 31) requesting the Court's permission to withdraw the Motion (ECF Entry No. 23) with leave to re-file it upon completion of service upon Defendant Eddy. In light of this request and pursuant to Your Honor's June 30, 2019 order granting such request, on or about July 1, 2019, the Court terminated the Motion as moot.

Plaintiff has attempted to effectuate service upon Defendant Eddy in Australia pursuant to Federal Rule of Civil Procedure 4(f), but has not been successful to date in those efforts. As such, on or about November 1, 2019, Plaintiff filed a renewed Motion for Default Judgment against Defendant Phinizy & Phebe Handmade LLC (d/b/a Phin & Phebes Ice Cream) (ECF Entry No. 32). That motion is presently pending before the Court.

Plaintiff is determining how best to proceed against Defendant Eddy in light of the considerable resources involved with prosecution of this action against her in Australia. Plaintiff respectfully requests that the Court grant Plaintiff a reasonable period to confer with her counsel and report back to the Court as to such determination.



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We thank the Court for its continued time and attention to this matter and please do not hesitate to contact our office with any questions or concerns.

Respectfully Submitted,

/s/ Patrick J. Boyd

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